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No. 322-] NEW DELHI, FRIDAY, JUNE 14, 1957/JYAISTHA 24, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi the 31st May, 1957

S.R.O. 1987.—In pursuance of the provisions of Sub-Section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 306 of 1957, presented to the Commission on the 26th April, 1957 under section 81 of the said Act, by Shri Shivamurtiswami s/o Shri Shiddappayya Swami, Alavandi, Taluka Koppal, District Raichur, (Mysore State), calling in question the election to the House of the People from the State of Mysore from the Koppal Constituency of that House of Shri Sangappa, S/o Shri Andaneppa, Koppal, Taluka Koppal, District Raichur, (Mysore State).

Received by Registered Post this the twenty sixth day of April One Thousand Nine Hundred and Fifty Seven.

(Sd.) **DIN DAYAL.**

26-4-57

Under Secy.

Election Commission, India.

ELECTION PETITION No. 306 of 1957

To,

The Election Commission, India, New Delhi.

Shivamurtiswami, son of Shiddappayya Swami aged 36 years, Agriculturist of Alavandi, Taluka Koppal, District Raichur (Mysore State)—*Petitioner.*

Versus

Sangappa son of Andaneppa, aged about 45 years, merchant of Koppal Taluka Koppal, District Raichur (Mysore State).—*Respondent.*

Election Petition under Section 80 of the Act, 1951.

The petitioner above named respectfully sheweth as follows, viz:

(1) That the petitioner contested as a candidate from the Koppal Parliamentary Constituency for the House of the People. The Respondent was the only rival candidate at the election from the said Constituency, and was the official Congress candidate.

(2) That the result of the election was declared on the 15th March 1957 and the votes declared to have been obtained by the Petitioner, and the Respondent were respectively 98,093 and 1,30,849, wherefore the Respondent was declared elected.

(3) That the election of the Respondent is void in as much as the following corrupt practices were committed by and/or in the interest of the Respondent.

- (a) The respondent, his agent and/or the persons interested in the respondent and/or acting with the consent of the respondent gave, offered and/or promised gratification with the object of inducing directly or indirectly, the electors to vote and/or to refrain from voting as a reward for so doing.
- (b) The Respondent, his agent and/or the persons interested in the Respondent and/or acting with the consent of the Respondent interfered and/or attempted to interfere directly and/or indirectly with the free exercise of electoral rights, by threatening the electors and/or persons in whom the Petitioner was interested with injury to their persons and their reputation, inducing the electors to believe that they and those in whom they were interested would become or be rendered objects of divine displeasure and/or spiritual censure.
- (c) The respondent, his agent and/or the persons interested in the Respondent and/or acting with the consent of the Respondent, made systematic appeals to vote or refrain from voting on grounds of caste, race, community or religion and/or the use of or appeal to religious symbols such as the national flag and/or the national emblem, for the furtherance of the prospects of the election of the Respondent.
- (d) The respondent, his agent and/or the persons interested in the Respondent and/or acting with the consent of the respondent published statements of facts which are false and which they believed to be false and/or did not believe to be true in relation to the personal character or conduct of the petitioner and/or in relation to the candidature of the Petitioner, being statements, reasonably calculated to prejudice the prospects of the petitioner's election.
- (e) The respondent, his agent and/or the persons interested in him and/or acting with the consent of the respondent hired and/or procured on payment or otherwise vehicles for the conveyance of the electors to and/or from polling stations and/or places fixed for the poll in the Constituency.
- (f) The respondent, his agent and/or persons interested in the Respondent and/or action with the consent of the Respondent incurred and/or authorised expenditure, in contravention of section 77 of the Representation of the People Act, 1951.
- (g) The Respondent, his agent and/or persons interested in the Respondent and/or acting with the consent of the Respondent obtained, procured and/or abetted and/or attempted to obtain and/or to procure the assistance for the furtherance of the Respondent's election from persons in the service of the Government.

(4) That full particulars and the details of the corrupt practices mentioned in clauses (a) to (g) of the next preceding paragraph are set out in the schedule annexed hereto. The corrupt practices mentioned in clauses (a) and (h) of paragraph 3, over and above the particulars and details set out in the annexed schedule affected the election to such an extent that the election has not been a free election by reason of the fact that bribery was offered or paid generally throughout the Constituency and the electors and others were offered food and drink and were actually treated throughout the Constituency on such a large scale that general bribery prevailed all over the Constituency, and that, coercion intimidation and also undue influence were exercised on a large scale generally throughout the constituency.

(5) That the corrupt practice mentioned in the foregoing paragraph 3(a) was committed at Mandalgiri, i.e., polling station No. 4 of the Yalaburga Constituency where tea and tiffin were provided to the electors by the Respondent and/or the agents and workers including Shankaragouda Patil; so also tea and tiffin were provided by and on behalf of the Respondent by his agents and workers at Talakal, Bhanapur, Masabhanchinal, Yalaburga, Hire-Onkaikunti, Matalidinni, Kavalur, Koppal, Katarki, Alavandi, Bisarhalli, Hire-Shindogi, Kalamangi, Thrivihal, Dinsamudra, Shiddapur, Kushtyagi, Tondihal, Dyampur, Mudhol, Gingeri, Mangalore, Hire-Hadagali, Holalu, Uttangi, Gaddikeri, Kenchanguddam, Konchigeri, Tekkalkoti, Halekoti, Hospeth, Kampli and in numerous under polling stations practically enveloping the whole of the constituency in question. The Respondent, his agents and other persons interested in him promised to get the tower of the Temple constructed at Konasagar and induced the electors to vote for the respondent in consideration of this promise. Similarly a school building was promised to be completed at Kallur by the said

persons whereby the electors were induced to vote for the respondent. "Bailatas" were staged at Koppal and electors were induced to vote for the Respondent in consideration of these entertainments specially provided for the purpose. At Bhagyanagar and Gangavati, Nekars were paid moneys and were induced to vote for the Respondent. A well was promised to be constructed for the Harijans at Dandi, and they were induced to vote for the Respondent. In the Devi Jatra held at Nirmanvi which was attended by numerous voters of the Koppal Parliamentary Constituency, Giridharlal Marwadi paid moneys about 19th February, 1957 for the furtherance of the Respondent's election, to the entertainers who staged the drama, and induced the voters to vote for the Respondent in consideration of the entertainment provided, Siris, Kubasas, Gandhi topies and Khadi Channas were freely distributed at Yalaburga, Talkal, Hospeth, Kampli, Kuhnur, and several other places, through the election offices and agencies set up by the respondent, to voters and to those in whom the voters were interested and thus the voters were induced to vote for the Respondent. At Koppal, the Muslim voters were feasted and also otherwise induced to vote for the Respondent, as evidenced in writing.

(6) That the corrupt practice mentioned in paragraph 3 (b) and (c) were committed by the respondent and/or his, agents and workers and/or persons interested in him and/or acting with his consent, at Koppal and Bhagyanagar i.e., polling stations Nos. 26 and 27, where Veeranna, the brother of the Respondent entered within prohibited limits of 100 yards, on the Polling day, at the time of polling and threatened and intimidated the electors into voting for the Respondent. The said Veeranna visited all the other polling stations at the two places and similarly threatened the voters. Appeals to Muslim voters in the Constituency were got made through the Jamiat-ul-ulema and Peers and Muslim voters were made to pledge their support on the Quran at Hospeth and other places. Laxmanacharya Agnihotri's son, canvassing agent of the Respondent, painted on a wall, conveying thereby that the petitioner and those who would vote for him would be subjected to being dealt with, by boots. Thus many voters who would have otherwise voted for the petitioner, were scared. The Kurubar voters at Sindhnur were made to swear at the feet of their Guru that they would vote for the Respondent. Printed appeals were issued by M. Govardhanrao, which were distributed in the Koppal Parliamentary Constituency, on a vast scale. The appeal was made in the name of Shiva's Nandi Basavanna and Comata and upto the name of Basavaraj, Basavaprabhu, Kalyn Basava and Comata and so on. Similarly appeal was made in the name of Mahatma Gandhi. The National flag and the national emblem and Mahatma's pictures were also used extensively in Basavanna's processions in Sindhnur, Bilganur Karatgi, Gangavati and several other places. This sort of propaganda was systematically carried to its culmination by the Respondent's canvassing agent, Nallur Shivappa, Tad Kal Rudrayya, and others; similar processions were taken out in Talkal, Chelgari and several other places and the said corrupt practices were indulged in. Wall posters and wall paintings of Basavanna were exhibited at Yelburga, Sanganahal and many other places. These acts of propaganda exploiting Basavanna had a tremendous effect on Lingayats in particular and the other communities in general, and especially the agriculturist sections. Superious pamphlets were got issued by the Respondent and his canvassing Agents over the names of the supporters of the petitioner and thus there was great interference with the free exercise of the electoral right. Koppal merchants of Association was induced to support the respondent and his canvassers who held out promises of favouritism to them.

(7) That the corrupt practice mentioned in paragraph 3(d) was committed by the persons and in the circumstances stated above in the several issues of the "Tungabhadra Swatantra" and "Netaji" Papers respectively published from Koppal and Cadag as also in the various pamphlets issued by or in behalf of the Respondent. Shivappa Nellur of Hon Taluka had come to Koppal Parliamentary constituency to canvass votes and campaigner for the Respondent. He held a number of meetings in the Koppal Parliamentary constituency. All these false statements in the papers and pamphlets and at the meetings prepared and jeopardises the prospects of the Petitioner's election.

(8) That the corrupt practice mentioned in paragraph 3(e) was committed by the persons and in the circumstances stated by conveying voters to and from the polling stations on the polling day in trollies drawn by tractors and in hired and procured carts, practically in the whole of the Yalburga Taluka. Numerous Lamani voters and others also were thus conveyed. Besides, motor lorries, public conveyances were also used to convey the voters to and from the polling stations in respect of which hiring and procuring of the vehicles, all the charges being distributed and defrayed by the Respondent. Public con-

veyances i.e., Tongas were hired and/or procured at Koppal by the respondent and/or agents and/or persons acting with his consent and electors were conveyed to and from the polling stations at Koppal for the purpose of voting. At Gedda-geri Polling station in Yalaburga Taluka, carts were hired and/or procured by the Respondent, his agents and/or persons working with the consent of the respondent, on the polling day and voters conveyed to and from the Polling station. A complaint was handed in there and then to the Presiding Officer.

(9) That the corrupt practice mentioned in paragraph 3(f) was committed by the persons and in the circumstances mentioned in that the Respondent owns a petrol bunk and has sent several barrels of petrol and numerous cars to every part of the constituency. The respondent patronised the papers, viz. the "Tungabhadra", the "Swatantra" and Netaji and issued several pamphlets. He has spent all too lavishly, both in kind and in cash on providing tea and tiffin and distributing clothes and taking out processions, providing conveyances, etc. He has exceeded the prescribed limit of expenditures by several times. He has not maintained true accounts. He has in every way contravened the provisions of section 77 of the R.P. Act, 1951.

(10) That the corrupt practice mentioned in paragraph 3(g) was committed by the persons in the circumstances stated in that the assistance of Patwaries, Police officers and Presiding and Polling Officers was obtained and for procured or abetted on or attempted to be obtained or procured by the Respondent and/or his agent or by persons interested in him for the furtherance of the prospects of the Respondent's election.

(11) That the result of the election as regards the respondent has been materially affected and is hence void by the non-compliance with the provisions of the constitution, the R.P. Act, and rules and or orders made under the said Act and/by the improper reception, refusal or rejection of votes or the reception of votes which are void for the following reasons:—(i) Notification of the by the President of India on 19th January, 1957. According to the Election programme election was published by the Secretary to the Election published commission, 29th January 1957, was the last date for making nominations; scrutiny of nominations was fixed on 1st February, 1957. The last date for the withdrawal of candidatures was the 4th February. The Polling days for the Koppal Parliamentary constituency commenced from the 25th February, 1957. The Returning Officer sent the lists of the polling stations to the petitioner on 10th February, 1957, under his No. 430/B 5/56-57 EL. He sent 36 enclosures being two copies of lists of polling stations both in Kannada and English Languages of Koppal Parliamentary Constituency. These lists comprised Koppal, Yalaburga, Kushtagi, Sindhanur, Gangavati, Hadagali, Hospeth, Shirguppa, and Kurugodu Assembly constituencies. Since Kurugodu is contiguous with Hospet, and since the Returning Officer had sent the list of Polling stations in Kurugodu Assembly constituency, the petitioner, campaigneered intensively and extensively there, as he found good response and support for him from that constituency. On 11th February, 1957, the Returning Officer sent quoting the same number, 64 enclosures to the petitioner as President of Lok Sevak Sangh, these enclosures being two copies of lists of polling stations both in Kannada and English languages, of Raichur and Koppal House of People Constituencies. These lists also comprised the 9 Assembly constituencies above mentioned as regards the Koppal House of People constituency and 7 Assembly constituencies of the Raichur House of People Constituency, including the Double member Constituency of Raichur. As late as on 21st February, 1957, the Returning Officer sent to the Petitioner, also as President of Lok Sevak Sangh, Koppal, 4 enclosures being two copies of revised lists of polling stations of Shirguppa constituency and Yadgir Assembly constituency forming part of Koppal and Raichur Parliamentary constituencies. In this letter delivery to the Petitioner on 22nd February, 1957, the Returning Officer further observed that the lists of these two Assembly constituencies already supplied to the petitioner together with the lists of Kurugodu Assembly constituency may be treated as cancelled. In the list first published, the Kurugodu Assembly constituency was included and the Shirguppa constituency was confirmed Taluka only. In the so-called revised list, 10 polling stations viz. Sapapur, Kampli I, Kampli II, Kampli III, Kampli IV, Kampli V, Kampli VI, Muddapur Ramasagar I and Ramasagar II, were added for the first time while the Kurugodu Assembly constituency was sought to be excluded. Thus the Returning Officer, while acting under section 25 of the R.P. Act, 1951, included the Kurugodu Assembly constituency in the Koppal Parliamentary constituencies. In this letter delivered to the Petitioner on 22nd Shirguppa constituency was confirmed to the polling stations situate within in the Shirguppa Taluka only. In the so-called revised list, 10 polling stations viz., Sapapur, Kampli I, Kampli II, Kampli III, Kampli

Parliamentary constituency, while it actually transpires that the Kurugodu Assembly constituency is part of and comprised in the Bellary Parliamentary Constituency and has nothing whatever to do with the Koppal Parliamentary Constituency. Instead the Kampli Firka polling stations which for the first time were made known by the Returning Officer to the Petitioner on 21st February, 1957 rightly belonged to the Koppal Parliamentary constituency. All this non-compliance with the law in that behalf has had the inevitable effect (1) of bringing into existence a constituency not warranted by the law, (2) of cancelling at a stroke, an Assembly constituency first included by the Returning Officer in the Koppal constituency, so late that it hardly left any margin of time for the petitioner to cope with the situation arising on the change in the constituency to do proper and sufficient campaigneering and canvassing, (3) of undoing the Kurugodu constituency and the overwhelming support which the petitioner had secured therein by his intensive and extensive campaigneering and entirely upsetting his chances of success, (4) of misleading the petitioner into harnessing his energies, time and resources in an area which did not belong to the constituency from which he contested the election, (5) of furthering the prospects of the election of the Respondent who concentrated his work in the areas other than Kurugodu where he could not get any support, worth the name, (6) of depriving the Petitioner of any opportunity worth the name to do his campaigneering in the Kampli Firka villages suddenly thrust on the petitioner on 22nd February, 1957.

(11) The lists of Polling stations either before or after their revision as per the Returning Officer's letter of 21st February, 1957 above mentioned was not widely published in the manner required by the Statutory order No. 8/56 dated 31st January, 1956.

(12) The Presiding and Polling Officers in the following Stations were partisans of the Respondent with the result that:—at polling station No. 2 of Koppal.

(i) the Presiding Officer was caught while inserting Ballot paper No. 553311 into the Respondent's Ballot box, while the paper was left outside the box by its side, and a complaint was handed in, then and there, to the Presiding Officer himself and acknowledgment of the receipt of the complaint was taken. The Petitioner's polling agent there caught the Presiding Officer, redhanded, after having felt convinced that the Presiding Officer had all too repeatedly indulged in increasing the number of votes of the Respondent in this manner.

(ii) The Presiding Officer and the Polling Officers in Bhagyanagar, Polling station No. 27 in the area of Koppal Parliamentary constituency started issuing ballot papers for the House of the People commencing from 542001 instead of from 541001. The gap was intentionally manoeuvred by the persons concerned only to find an opportunity and to insert the ballot papers in the ballot box of the Respondent to manipulate a majority of votes for him. The Presiding Officer was caught while misconducting himself in this way and a complaint in this behalf was filed there and then with the Presiding Officer and its receipt got acknowledged and telegrams were sent to the Election Commissioner and to the Chief Electoral Officer.

(iii) The Presiding Officer and Polling Officers in polling station No. 26 of the Koppal area of the Parliamentary constituency who were partisans of the Respondent allowed Shri Veeranna, the brother of the Respondent and President of the Koppal Municipality to enter unauthorisedly into the Polling Station and to indulge in exercising undue influence over the voters by canvassing for the Respondent using inducement and/or threat to the voters there. A written complaint was handed in there and then in this behalf to the Presiding Officer and its receipt got acknowledged.

(iv) The Presiding Officer of Polling station No. 26 in the Koppal area who was a partisan of the respondent persisted in keeping a defective ballot box for the petitioner and would not make adequate arrangements for the safety of the box even though a complaint in this behalf was handed into him there and then and its receipt got acknowledged.

(v) In Kallur Polling station No. 27, in the Teleburga Area of the constituency, the polling agents of the Respondent openly canvassed votes inside the booth itself by pointing to the party badges which they were wearing, and in doing which they were indulging as they were not only suffered but even encouraged to do so by the Presiding and Polling Officers there who were partisans of the Respondent. A complaint in this behalf was handed in there and then, to the Presiding Officer and its receipt got acknowledged.

(vi) The ballot papers issued in respect of Hire Bhairagi Polling station in the Sindhanur area of the Parliamentary constituency were found in the ballot

boxes of Veerapur Polling station, owing to the partisanship of the Presiding and Polling Officers and their allegiance to the Respondent.

(vii) There are two Rampurs in the Kustagi area of the Koppal Parliamentary constituency known differently as Ulminah-Rampur and Jahagiri-Rampur. In the lists of Polling stations, this distinction was not maintained with the result that one Rampur was attached to the Jumalpur Polling station and the other to the Narinhal Polling Station i.e. Polling Stations Nos. 40 and 42 in Kushtagi constituency. The voters from these Rampurs were not allowed to vote in either of the Polling Stations. This was because of the partisanship and allegiance of the Presiding and Polling Officers to the Respondent. Apart from the part played by the Presiding and Polling Officers at the said two Polling Stations, there has been patent non-compliance with the Constitution, the provisions of the R.P. Act, the rules and orders made thereunder in that the Returning Officer failed to allot either of the two Rampurs to specific Polling Stations with the result that the votes of those two villages were completely lost.

(viii) The Naib Tahasildar of Kushtagi as the Presiding Officer of Mangalore Polling Station in the Yalaburga area of the Koppal Parliamentary constituency. He was a hot partisan of the Respondent. He stationed his peon at the entrance of the partition where the ballot boxes were placed with instructions to point out to every voter the ballot box of the Respondent as the one into which every vote should be cast. The peon indulged in these activities till noon, when the Petitioner reached the Polling Station one word reaching him in this connection, and warned the Presiding Officer against what he was indulging in and got the peon remained of his legitimate duties and illegal activities.

(ix) Owing to the partisanship of the Presiding and Polling Officers in Gangavati Polling station No. 16 and in Gunhal Polling station No. 15 in Yalaburga Taluk and in Madagam Polling Station, majority of the votes were manipulated in favour of the Respondent so much so that ballot papers in excess of the members actually issued were found in the ballot boxes. The number of ballot papers issued to the voters in respect of the Assembly Constituencies were more than these issued for the Parliamentary Constituencies, practically in all the polling stations including polling stations Nos. 4, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 48, 49, 50 and 53 in the Yalaburga part of the Constituency.

(x) In Hospeth town, Polling Station No. 31 the covers of the ballot paper blocks and ordinary plain papers were issued as ballot paper there and elsewhere by impressing them with the official rubber stamp to the petitioner's voters only to get the votes invalidated. This was so done by the Presiding and Polling Officers who were partisans of that Respondent.

(xi) In the Polling Stations of Dotihal, Kabbargi and Nilagal, not a single ballot paper bore the impress of the official Rubber stamp legally provided in that behalf. Elsewhere i.e., practically in the majority of the Polling stations all over the Parliamentary constituency in question such illegalities are gatore and have particularly and actively helped the Respondent to secure large majority of votes.

(xii) The Presiding Officers of Bhagyanagar Polling Station No. 27, Gangavati polling Station No. 12 and Shirguppa Polling Station No. 35 (i.e., Nadangam) who were avowed partisans of the Respondent did not intentionally fill in the ballot papers account as prescribed in form No. 16 as these avowed partisans of the respondent wanted to manipulate at all costs majority of votes for the Respondent and yet they would not be caught if only they circumvented form No. 16, so that they could insert any number of ballot papers into the ballot box of the Respondent which they did so, by making a bid for safety by ignoring the prescribed rules and orders etc.

(xiii) The Presiding and Polling Officers of the Tungabhadra Project Township Polling station who were the partisans of the Respondent have conducted themselves in such a way in favouring the respondent at the poll that actually there are found in the respondent's ballot box 37 votes more than the ballot papers found in the Assembly constituency ballot box.

(xiv) The Presiding and Polling Officers of Veerapur Polling Station who were the sworn partisans of the respondent have so conducted themselves that a vast number of ballot papers belonging to and issued to the different polling stations are found in the Respondent's ballot box.

The presiding officers of the Kallu and Masabhanchinal Polling Stations, while allowing the polling agents of the Respondent to bear party Badges, did not allow the Petitioner's polling Agents to wear their part badges with the result that these Presiding Officers indulged in intentionally creating an impression on the voters that the Petitioner's Polling Agents occupied an inferior position as compared to

the position of the Respondent's Polling Agents which had, therefore, the effect of materially affecting the result of the election.

(xvi) The petitioner is the President of the Lok Sevak Sangh party organised in the Mysore State on behalf of which nearly 40 candidates were put up for election to the State Legislature and the Parliament. This party is an unrecognised political party and hence it had no symbol allotted to it. As President, the petitioner got in touch with the election commission and proposed that "the cart" should be allotted to the Lok Sevak Sangh, as its symbol, in pursuance of No. 56/2/57 (9), dated 4-1-1957. This choice given in respect of the free symbols was thus exercised in time by the petitioner. The Peasants and Workers party in Mysore had been allotted the "cycle" as its symbol. The candidates put up by the Lok Sevak Sangh naturally gave "the cart" as their first choice when they filed their nomination papers. The fact that this choice had been so made had been duly intimated by the petitioner to all the Returning Officers concerned. On 1st February 1957 which was the day fixed for the scrutiny of the Nomination, a wireless message was received the Collector of Raichur from the Chief Electoral Officer, Bangalore, that "the cart"—symbol could not be allotted to the Lok Sevak Sangh. The reason for this was that the symbol of the "cart" was allotted to the Mysore Peasants and Workers Party. This allotment was made in place of the symbol "cycle". This last moment manoeuvre upset the chances of the election of the Lok Sevak Sangh candidates including the petitioner, as the second preference symbol had then to be allotted with the result that while the petitioner got as his symbol "cultivator winnowing grains", the Lok Sevak Sangh candidate for Gangavati Assembly constituency got the "Pitcher". The confusion in the symbol entailing especially on the earlier publication of the Lok Sevak Sangh that the "cart" was the symbol chosen by the party seriously affected the result of the election. On 5th February 1957, the petitioner informed the Election Commissioner, New Delhi, by telegram that his decision had created confusion and that all the candidates of the Lok Sevak Sangh party should be allotted the symbol of "cultivator winnowing grains", regardless of their second and third preference. This telegram was sent in pursuance of the instructions sent to the Petitioner on 2nd February 1957 by the Chief Electoral Officer, Bangalore. But nothing was done by the Election Commissioner, on 19th February 1957, however, the Election Commission intimated that the Lok Sevak Sangh candidates might even then choose the "cart" as their symbol, when half the time available for canvassing and campaigneering had already spent itself. The Election Commission has not acted according to the law in first depriving the Petitioner and the candidates of his party of the "cart" symbol, and it has by its capricious decision led to serious consequences materially affecting the result of the election.

13. That the Treasury receipt showing that sum of Rs. 1,000 has been deposited by the petitioner in the Government treasury as security for costs of this petition has been attached hereto.

14. That the Respondent being the only contesting candidate, no other party is impleaded as Respondent in these proceedings.

15. That the petitioner, therefore, claims that the election of the respondent be declared void. The petitioner further claims that he be awarded the costs of these proceedings from the Respondent.

Wherefore he shall ever pray.

Sd./-SHIVAMURTISWAMI.

I, Shivamurtiswami, son of Shiddappayyaswami of Alvandi Taluk Koppal Dist., Raichur, do hereby on solemn affirmation declare that what is contained above in paragraphs Nos. 1 to 11, 13 and 14 are true to the best of my knowledge and what is contained in paragraph No. 12 is true to the best of my information and that I believe the same to be true in testimony whereof I do hereunto affix my signature this day dated 24th April 1957 at Dharwar.

Sd./-SHIVAMURTISWAMI.

Schedule of particulars and details in respect of corrupt practice set out in paragraph 3, clauses (a) to (g) among others referred to in paragraph 4 of the petition.

The petitioner, hereby adopts all the particulars and details given in the petition in paragraphs 5 to 14, both inclusive in the petition and sets out the following

particulars and details in addition thereto under the several heads of corrupt practices taken up by him in the petition.

1. Bribery—Food and drink were offered in the following places viz;

1. Mandalgeri
2. Dyampur
3. Talkal
4. Bhanapur
5. Masab Hanchinal
6. Tondihal
7. Mudhol
8. Yelburga
9. Manglore
10. Mataldinni
11. Hire Onkalkunti
12. Yerehanchinal
13. Geddageri
14. Alavandi

and several other places particularly enveloping the whole constituency. The respondent, his agent or other persons interested in him and/or acting with their consent promised to get tower of the Devi Temple constructed at Konasagar and induced the electors to vote for the Respondent in consideration of this promise. Similarly a school building which is partly constructed was promised to be completely at Kallur—the promise was made by the said persons where by the electors were induced to vote for the respondent. At Chikka Onkalkunti fair which was held on the 23rd and the 24th of February 1957. A drama, "Dattaputra" was staged—the said drama was staged for a week for 23rd February and electors from Chikka Onkalkunti, Hire Onkalkunti, Mataldinni, Gunnal, Bewur, Mandalmari, Talkakatti Yopaladinni Nilagal, Putakamari, Yeddona Jarekuntin Uppaladinni, Onkalkunti, Tippanahala, Bhuvankatti, Ganadal, Hire Waddarkal, Katagihalli, Talakeri, Marakatti, Kallabhavi, Vanjabhavi, Chevadapur, Gule, Gurta—Madu, Shidalbhavi, Boodoor, Chikkamannapur, among other villages were invited, brought and entertained the electors were made to promise then votes to the congress candidates including the respondent. Money was distributed to Randihal voters. Rs. 300 were so distributed to 100 voters at Rs. 3 per voter, and these votes were thus so secured by the respondent. At Hosahalli, Shekharagouda, Police Patil was paid Rs. 50 and the votes of himself and all those whom he could influence were thus purchased. At Dammur Rs. 35 were given to Shivayya Hudrayya Hiremath, Fakirappa Mandali, Bhimanagouda, Bharmojeppa Kammer, Kanakappa Ryavanki and Basappa Mandali. Thus, the votes of these persons and of those whom they could influence were secured by the respondent. The Dammur voters were taken by the above mentioned persons to Hagedhal polling station in carts and/or procured by the respondent in consideration of the money received. Similarly, money was paid at Geddageri to Shivanagouda and his votes and such of the votes as he would influence were secured by the Respondent. The said Shivanagouda took some 50 voters from Veerapur to Geddageri polling station. The lift in the carts was also a gratification which induced voters to vote for the respondent. In all these corrupt practices thus committed, the respondent who was a candidate for the parliamentary election and Shri Shankaragouda Basanagouda who was a candidate for the Legislative Assembly from the Yelburga constituency which formed a part of the Koopal parliamentary constituency acted as each others agent, pooled their resources and worked through common agents and workers. The said Shankaragouda was the President of the Koppal Taluka congress committee. At Bandi, a well was promised to be constructed to Harijans at the cost of the congress candidates i.e., the respondent and the said Shankaragouda, and the Harijan votes of Bandi were thus secured.

2. It was on the polling day of the Yelburga constituency i.e., on 10th March 1957 that food and drink were offered at Mandalgeri. In the tea shops specially put up for the purpose by the canvassing agents of the two congress candidates i.e., the respondent and the said Shankaragouda. A complaint in this behalf was handed in to the Presiding Officer of the Mandalgeri polling station, by Shri Somappa Bambal, Advocate and election agent of this petitioner. The respondent and Shri Shankaragouda were the official congress candidates. The Presiding Officer of the said polling station has recorded the statements of Basalingappa Bhistaraddi and Mahadevappa Bandi had put up tea shop within the

limit of 100 yards from the polling station. The Presiding Officer has also recorded the statement of one of the voters who was so treated, on seeing which the other voters who were treated and/or were being treated bolted away. A panchanama also appears to have been drawn up in this behalf. It was at this juncture that the tea shop was got removed by the Presiding Officer. The members of the Police Force, on duty, at the polling station acted as partisans of the respondent and it was with their tactic assistance that the tea shop was put up and the voters treated. The patwari of Mandalgeri Shri Sadashivanagouda, a prominent canvassing agent of the congress candidates was the person under whose directions voters were brought to the tea shop and treated. The expenses incurred on the item of bribery were footed by the respondent and Shri Shankaranagouda both of whom campaigneering and shared the expenses together. At Dyanpur, on the said polling day Gurayya, Nandikol (Kalakwadi) who was canvassing agent for both the Congress candidates offered tea and Khara in his cattle shed to the electors. The expenses were footed by both the congress candidates together. At Talkal, tea and Khara were offered on the said Polling day to the electors by Shivappa Byali, the canvassing agent of the two Congress candidates the expenses were incurred by both the Congress candidates together. At Bhanapur, on the said polling day, Wenkappa Gadagi, the canvassing agent of the two Congress candidates supplied tea victuals to the electors at the cost of the two congress candidates. The sia Wenkappa runs a tea shop and a treating took place in his place. At Yelburga on the said polling day, the electors were treated and tea and victuals were offered to them at the cost of the congress candidates, at two tea shops, one of Advieppa Hubballi, and other of Annarao Udapi both of whom were the canvassing agents of the two Congress candidates. At Yere hanchinai, on 10th March 1957, i.e., polling day, Mallappa Maradi, the canvassing agent of both the congress candidates, gave moneys to the 3 tea shops (1) Adivappa Arali (2) Shivappa Kamatar, (3) Shivappa Mandalgeri where electors were treated and tea and victuals were given to them at Geddageri, on the said polling day, Kalkayya, Hiremath, the canvassing agent of the two Congress candidates put up a special tea shop for the purpose and treated the electors and gave them tea and Murmura at the cost of the two Congress candidates. At Masab Hanchinal, Tondihal Mudhol, Mangalore, Mataldinni and Hire Onkalkunti the respondent himself and made arrangements for food and drink and got the voters treated to tea and victuals. the respondent had similarly made arrangements for food and drink practically all over the constituency. The respondent and Shri Shankaragouda made the promise to the electors at Konasagar about the construction of the tower of the Temple there. This was about 3 or 4 days prior to the polling day and it was thus the votes were secured against the promise. The said two Congress candidates made the promise about the Kallur school building, at Kallur, 5 or 6 days prior to the polling day and they secured votes against the promise. This promise was made to Adivieppagouda Mail Patil of Kallur, Ishappa Kammar of Kallur and Kupperao Patwari who in consideration of promise made the electors vote for the congress candidates. The particulars and detail about the fair at Chikka Onakalkunti and staging of the drama "Dattaputra" are as below the said drama was staged at the fair of Chikkaonkalkunti for about a week from 23rd February, 1957. The owner of the dramatic company Wenkaraddi Talkal was the canvassing agent of the two Congress candidates and thereafter the same drama was staged at Mangalore for about a week, Electors from Kudarimoti, Bewoor, Ryavanki, Kaddaraddi Hirebindanahal, Chikka Bidinahal, Bhairnaikana-hatti etc., were invited and entertained free of charge but against the promise that they would vote for both the Congress candidates. At Hosali, money Rs. 50 was paid to Shakharegouda by Chidambarao Sanganal canvassing agent of the respondent and Shri Shankaragouda, to the electors on 8th March 1957. At Dammur Rs. 35 were paid by the said Chidambarao, to Shivayya Rudraya Hiremath and other persons mentioned in this connection with this petition on 9th March 1957. At Geddageri Rs. 10 were paid to Shivanagouda Goni a canvassing agent of the respondent who managed to hire carts with the money. Shivanagouda was paid by Shanakaragouda. The said Shivanagouda paid the said amount to the cartmen as hire charges for their carts.

This was on 9th March 1957. Rs. 255 were paid by Shankaragouda in person to Kalakappa of Yelburga on or about 8th March 1957 and thus his vote was purchased at Yelburga. The respondent and Shri Shankaragouda promised "saries and cholies" to female voters at Yelburga on the polling day. Soon after the election, saries and cholies were offered to the voters as part of the bargain, one sari was offered to the wife of Kallayya of Yelburga. At Tondihal, Bandihal electors—were paid Rs. 300 by Gadigeppa Desai of Mudhol on the election day on behalf of the two Congress candidates. In the circumstances above mentioned. The well at Bandi was promised to the Harijans 2 or 3 days prior to the polling

day. Ramchandra Deshpande, resident of Rajur and Gumasta Patwari of Chanapanahalli appointed by the Government who was canvassing agent for the two Congress candidates, treated the electors of Chanapanahalli, at his own house and gave them tea and victuals and aerated waters which was purchased at Yamanappa Uppar's shop. This was on the polling day. The expenses incurred were of course, on behalf of the two Congress candidates. At Elawandi on 8th March 1957 Respondent and/or his agents and/or persons interested in respondent arranged tea and tiffin to voters at the shops of Mudakappa gondabal and Siddyya Pujar both of Alawandi.

3. Bailatas were staged at Koppal 3 or 4 days prior to the polling day and electors were invited and freely entertained and induced to vote for the respondent in consideration of these entertainments specially provided for the purpose. The said Bailatas were financed by the respondent. Electricity was harnessed for the purpose of light and illumination at the Bailatas which expenses were borne by the respondent. At Bhagyanagar and Gangavati, Nekars were paid money on 7th March 1957 by the respondent and/or his agents, including Shri B. V. Desai and Shri M. S. Patil, the congress candidates, respectively for Gangavati and for Koppal assembly constituencies. Money were paid at Nirmanvi about the 19th February 1957 by Giridharlal Marwadi. The distribution of cholies, Gandhi caps and Khadi Channas, was made at the places mentioned in the petition by the respondent and/or the agents including Shri Bangarshetti, brother-in-law of the respondent and the editor of "Tungabhadra" Kannad weekly paper. The distribution extended over the period from 10th February 1957 upto the various polling dates in the constituency. At Koppal, Muslim voters were treated by the respondent about 21st and 26th February 1957 and also on 4th March 1957 as well as 11th March 1957 i.e., on the morrow of the last polling day, as per promise already made and thus the electors were promised by Shri Veeranna Agadi, the President of the Koppal Municipality and the brother of the respondent that the outstanding taxes owing to the Municipality would not be collected and that the voters would be finally exempted from the said outstanding on condition that they voted for the respondent. It was indeed in consideration of this promise by the said Veeranna, a prominent canvassing agent of the respondent that large number of votes were secured for the respondent.

4. Undue influence and systematic appeal to religion etc. At Mandalmari, Kristappa Pujar as threatened by Shri Kristappayha the Desai of Muradi and the patidar Patwari of ten villages including Mandalmari in the constituency in question. The said Kristappa and his Gumasta Patidars were Congress agents and worked for the congress candidates including the respondent, Kristappa Pujar was threatened by Kristappayya that he would be removed from the Pujarki of the Narasinha temple at Mandalmari if he did not vote for the respondent and Shankaragouda. At Hire Onkalkunti, Shankareppa Teg Inamani and Yatirajalu Naidu and Shri Shiva Basayya Shastri who were canvassing for the Congress candidates brought some 40 to 50 persons, who were got drink with liquor to the campaigneering meeting of the petitioners party. These persons held out threats of physical injury to the audience and broke up the meeting and intimidated the audience into supporting the congress candidates. At Sanganal, the electors were threatened by Shidramaya, Hiremath and Somaraddi Gadad and Basavaraddi Girraddi, the canvassing agents for the congress candidates, that if these electors voted for Lok Sevak Sangh party candidates they would not be allowed to get water for their use from any one of the wells in the village. Shidramayya is the Sarpanch and Somaraddi is one of the Panchas of the Gram Panchayat. Basavaraddi is a man of dangerous disposition against whom proceedings under Chapter VIII of the Criminal Procedure Code had been launched. The respondent and the other candidate Shankaragouda and the rest of the Congress candidates for the Legislative Assembly constituencies composed in the Koppal Parliamentary constituency took out an appeal printed in the Ashok Printing Press, Koppal, and the Manjunath Printing Press at Gangavati, in which they made an appeal to the Muslim voters to vote for the Congress candidates. This appeal was issued to publicise the communal support given by the spiritual head of the Jamiat-ul-tulema-e-Hindi. Systematic appeal was also made to the Muslims in the name of the said religious body to vote for the Congress candidates. Printed pamphlets were distributed throughout the constituency. Shri M. Govardhanarao Secretary, Karnatak Pradesh Congress election propoganda printed and published a pamphlet in the Sarvodaya Printing Press, Hubli in which he held out spiritual benefit to the Shivites in general and the Lingayats in particular, that the Congress symbol was Shiva's Nandi. He also held out an appeal in the name of the Gomatha and her progeny.

5. The Lingayats hold in the highest reverence Basavanna, the great reformer of the Verrashaiva religion and they have it as an article of faith that the said

Basavanna is an incarnation of Shiva's Nandi, the divine mount of Shiva. Thousands of these pamphlets were distributed over the constituency and votes were secured for the respondent and Shankaragouda in this way. Some prominent Muslim leaders and the canvassing agents for the respondent and Shankaragouda made an appeal to the Muslim community to vote as a community for the said candidates. Among the signatories to this pamphlet, are spiritual persons, including Mullas, some thousands of these pamphlet were distributed in the constituency. This pamphlet was got printed and distributed by the respondent and Shri Shankaragouda at their cost. At the fair at Chikka Onkalkunti, above referred to, a particular painted curtain was used in the drama and in a particular scene, a ballot box in imitation of official ballot box was placed against the curtain. On the ballot box Congress symbol was exhibited. On the curtain was also exhibited the Congress symbol in prominent proportions. The words "vote for the Congress" were displayed on the curtain. A large size picture of Mahatma Gandhi, with hands folded as if he was begging for votes was placed on a table by the side of the ballot box. Mahatma Gandhi was thus made systematic use of as a national symbol. The national flag was also put up on the stage at that time. This sort of appeal went on in every show of the drama "Dattaputra". A pamphlet printed at Koppal Printing Press, Koppal, was issued by the respondent and Shri Shankaragouda in which they made systematic appeal for votes in the name of Mahatma Gandhi. Processions of bullocks were taken out by the respondent in several places, including Talkal, Chikkenkop etc. These acts of exploiting the name and symbols of Basavanna had a tremendous effect on Lingayats in particular and the other communities in general and especially the Agriculturist sections of the people. Spurious pamphlets over the names of the supporters of the petitioner and his party candidates were got issued by the respondent and his agents and thus there was great interference with the free exercise of the electoral right. Shankarappa Bangarshetti, the Editor of the "Ungabhadra", weekly papers published at Koppal held out divine displeasure and spiritual censure in the name of Basavanna in his speech at Talkal on 9th March 1957. The said Bangarshetti is the brother-in-law of the respondent. The particulars and details of the undue influence exercised by Veeranna, the brother of the respondent, are as stated in petition. At Hospet, Sindhnur, Shirguppa, Tekkalkoti, Yelburga, Kuknur, Mudhol, Kaulur and several other places in the constituency, Muslim voters in the constituency were made to pledge their support to the Respondent on the Holy Quran, through the Jamiat-ul-Ulma-e-Hind and papers, Moulvies, Mullas and the canvassing agents of the respondent including Abdulla Khan of Koppal, Papya Rajkar leader of Kuknur, Sheikh Hussein Khansaheb Badami, Hussenkhansehb Pathan, Kutubuddinsaheb Kazi, Mainuddinsaheb Kazi, Arifohiddina Seheb Kazi, Abdul Rahimankhan Mulla, Ahmed Akbarkhan Mulla, Hussensah Syampur, Immansaheb etc. between 5th February 1957 and 10th March 1957. The mural painting by Agnihotri, a canvassing agent of the respondent was at Koppal of which a snap-shot photograph has been taken. This painting was inspired by the respondent. The painting was done about 10 or 15 days prior to the polling day on a wall of Venkataramana temple. Kurubar voters were made to swear at Sindhnur at the feet of their Guru that they would vote for respondent and at the instance of the respondent, some ten or twelve days prior to the day of polling, pamphlets issued by Shri M. Govardhanrao, Election Propaganda Secretary of the K. P. C. C. was printed at the Sarvodaya Printing Press, Hubli, which exploited the Congress symbol and made a systematic appeal in the name of Shiva's Nandi, the divine mount of Shiva, and of Basavanna, the great reformer of the Veera Shaiva religion. The pamphlet is undated. Shivappa Nallur of Ron Taluka who was specially brought by the Respondent to address meetings and to canvass votes for him in the Koppal Parliamentary constituency held several meetings in the constituency at several places including at Sindhnur on 3rd March 1957, at Ganga-vati on 6th March 1957, at Talkal, Kuknur and Yelburga on 8th March 1957 and Manglore and Onkalkunti, on 9th March 1957 in which he exploited the Congress symbol and appealed to the voters in the name of Basavanna, Basavaraja, Basavaprabhu, Kalyan Basava, Basava Deva, Vishabha—Awatar, Gomati, etc. Mahatma Gandhi etc. and told the audience that they would become objects of spiritual censure and divine displeasure and would cease to be Lingayats and Shaites if they failed to vote for the Congress symbol and that they would be deprived of their food by Shiva and Basavanna, if they failed to vote for the respondent and that Mahatma's soul would not rest in peace if Congress was defeated. Similarly Kadambaribai of Bangalore who was specially brought by the respondent for canvassing for him also exploited the congress symbol in the name of Basavanna and particularly in the name of Mahatma Gandhi. She addressed the same meetings at the same places along with Shivappa Nallur and Shankarappa Bangar Sheeti and told the audience that she had come as emissary of Mahatma Gandhi to canvass votes for the Congress and the only way for the audience to gratify the soul of Mahatma

Gandhi was by voting for the Congress candidate irrespective of the fact whether the Congress candidate was desirable or undesirable, deserving or undeserving, virtuous or vicious and to leave the result to Mahatma Gandhi, whose picture was hung up in every legislature and public office and whose holy spirit therefore would take the responsibility to guide the Congress representatives to work in their sphere. Processions of bullocks were also taken out at Sindhnur, Karatgi, Gangavati, Koppal, Chellageri, Shirguppa, Hospet and Alawndi within 3 or 4 days prior to the polling day in which the national flag, and Mahatma's pictures were used. Appeals in the name of Basavanna were made by the respondent in the wall posters and wall paintings exhibited in every village in the Yelburga Taluka. The Koppal Merchants Association was promised that it would be given licences and permits in any and every line of trade and commerce if its members worked for the Congress and saw to it that the petitioner was defeated and that respondent was elected. This promise was made about 16th or 17th of February, 1957, to ensure the all-out support of the mercantile community in the Koppal Parliamentary constituency. Shri D. P. Karmarkar, Minister for Commerce and Industries was specially taken from place to place in the constituency between 3rd March 1957 and 6th March 1957 and was made to ensure the merchants that the promises held out to them by the respondent would be fulfilled by him. "Kanikas" was paid by the respondent to the Swami of the Gokarn Veerashaiva Math, on or about the 11th February 1957 and a mandate was taken from him to his followers in the Koppal Parliamentary constituency to vote and work for the respondent. Similarly Kanikas were paid to the Urawakonda Jagadguru who was specially brought into the constituency to places such as Shirguppa, Bagavadi etc. where the said Swami got large congregations of men and women to swear at his feet that they would vote for the respondent. All this happened in the presence of the respondent and his brother and at their instance.

6. *False statements*:—Copies of the issues of Tungabhadra and the Netaji are hereto appended and the relevant portions containing the false statements by which the prospects of the petitioner's election were seriously prejudiced and jeopardised. In the issue dated 3rd January 1957 of the Tungabhadra at page 5 a report was published over the name of the staff correspondent of the papers to the effect that the petitioner behaved superciliously and arrogantly towards the teachers who had gone to see him. The effect of this publication was to alienate the sympathies of the teachers and to inculcate hatred in the minds of the teachers. The comments therein contained were in regard to the personal conduct and character of the petitioner. In the same issue at the same page, the Tungabhadra has published over the name of the staff correspondent that the petitioner had ordered his followers to patronise the Goondas ever since them to carry on violent activities against the Congress workers. In the same issue at page 6, the staff correspondent's article is published under the caption that the petitioner has started murdering personalities in the name of his principle in which personal vituperation has been carried on against the petitioner, to the effect that the petitioner would thrust aside his parents, relations or friends if they came between him and the moneys that he wanted to help himself to, that the petitioner had no compassion, no heat, no human element, no intellect, no gratitude, no love, no forgiveness, no quietude, no liberalism, no sacrifice—in fact, no virtue at all, wherefore he is not a human being, that he is ungrateful and inhuman, that he does not respect the tenets of other religion, that he is unfit to utter the name of Bhagavan Basavanna, that the petitioner's soul has become depraved, that his diabolical powers have been biting anybody and everybody like serpents. In the same issue at page 7 over the name of the staff correspondent, he has been lifting or extracting moneys from the people and that therefore he is being avoided by the people. The Tungabhadra in its issue dated 2nd December 1956 has published over the name Singumanth as article in which this petitioner is charged with having raised thousands of rupees and has swallowed them without accounting for them. In the issue of the Tungabhadra dated 7th February 1957 it is published that the petitioner has been cheating the unsophisticated out of their moneys, that he has sown seed of communal discord between Brahmans and the Lingayats at Gangavati and between Hindus and Muslims in Raichur, and in a particular family at Sindhnur, and has deserted his party candidate M.L.A.-ship at Sindhnur, that he has forcibly put up a candidate at Kustagi, and has undertaken to ruin the family, that he has taken moneys from a rich man at Lingasur and put him up as candidate, that he, the candidate for the Koppal Parliamentary constituency, is a moral rake, that he has secretly made alliances with the Congress and the P.S.P. Party and has deserted the candidates of his own party, that he has been dressing himself as a Congressman and deceiving the unsophisticated but in his heart of hearts he has prostituted politics, that he has been weeping and fasting where people are not prepared to listen to him, that he has been making the unsophisticated fall at his feet in the name of religion, that he is enthused with diabolical

ambition, that he is the repository of communal virus, while outwardly he is preaching platitudes, that he is also the repository of vanity, deceit, low cunning, blindness born of communalism, ingratitude, dictatorialism, immoral trifling, avarice, tantalisement, vaingloriousness and envy. This vituperation is contained in the leading article of the issue in question. In the issue of the Tungabhadra, dated 3rd January 1957, the charge has been laid against this petitioner, that the petitioner has manoeuvred to get a photograph made of the President of India and of himself, out of a group photograph of the M.P.s. In the same issue it has been published that the petitioner has been threatening to trample down such of the persons who would not part with their views. This strain of tirade, vituperation etc. is resorted to in nearly all the issues of the Tungabhadra ever since it was announced that the elections would not be postponed. The editor of this paper is the canvassing agent and the brother-in-law of the respondent, and the articles were inspired by the respondent. This paper was munificently patronised by the respondent and numerous copies of it were freely distributed all over the constituency.

7. In the issue of the Netaji, dated 14th February 1957, it has been published that the petitioner is the President of the Lok Sevak Sangh made up of communalists, heretics, landowners and reactionaries and that he has collected round him dacoits, hooligans and murderers, that under the name of Gandhi, he has deceived the people in the last election. In the issue of the said paper dated 19th February 1957, it has been published that the petitioner was subjected to ostracism and that he was admonished and warned not to go near about Talkal, Bhanapur etc. The same paper has published in its issue of 21st February 1957, that the petitioner has collected numbers in his Sangh who are communalists, unprincipled people, landowners, atrocious dacoits and murderers. In its issue dated 23rd February 1957, the said paper has published that the petitioner had disappeared from the field of contest at the election. In its issue of 27th February 1957, the said paper has published that people would not vote for the ungrateful Ayya i.e., the petitioner and that no home has prospered in which he has set his foot, that his intention is to destroy houses and make monstrosities of them. In the same issue the paper has falsely published that Maski Swami, candidate for the Legislative Assembly from the Sindhnur constituency said that the petitioner is a cunning deceitful dishonest Ayya and that he has not accounted for the moneys of the Dadag conference and had misappropriated the moneys of the conference and has stood for the parliamentary election. In its issue of 15th February 1957, this paper has published that as the petitioner had motors except a jeep which could not get petrol and no moneys for travelling and that he had gone to the Ron constituency to please Andanigouda of Ron and had taken moneys from him. In the same issue, the paper has published that the petitioner has been jeopardising the lives of the national leaders like the murder of Gandhiji. In the same issue it has been published that the petitioner is a communal Guonda. In its issue of 1st March 1957, has published that the petitioner has been busy deceiving Bashetteppa, the candidate, the petitioner himself had put up. In its issue of 2nd March 1957, the paper has published that the petitioner looks like swollen corpse, in the wall posters he had put up and that his report should be made to the polling station, by those who could identify the corpse, that the petitioner has been deceiving the villagers and that he should, therefore, discard the garb of a Pseudo-Monk. In its issue of 5th March 1957, the paper has published that the petitioner is a monkey and that he would next build up another worldly party and that he will cheat people in the name of the party and please the people and make money. In its issue of 6th March 1957, the paper has published that as the petitioner failed to raise the ghost of communalism out of community, his followers had deserted him and that Shri Andanagouda of Ron was a candidate of the Lok Sevak Sangh. In its issue of 8th March 1957, the paper has published that the petitioner is a reactionary self opinionated man given to love of power and has been conducting himself along with these lines. In a pamphlet, printed by Hombali brothers, printing press at the instance and the cost of the respondent, it has been proved against the petitioner before Shri Nehru who, therefore, refused him the congress ticket at the last elections, that he forced Veerabhadrappa Shirur to give up congress ticket which he had been given, that the said Veerabhadrappa did so with tears in his eyes. The Netaji is a paper specially patronised by the respondent who has helped the paper munificently and purchased very large number of its issues and distributed them liberally and free of cost all over the constituency. This tirade and vituperation was carried on at the inspiration and direction of the respondent.

8. Hiring and/or procuring conveyances: Votes from Hanval, Wadganhal and Katarhalli were brought in public conveyances to the Handrahal Polling station,

the charges to and fro in respect of which were borne by the respondent. Voters from Ghatraddihal and Murlapur were brought to Kowloor polling station in carts and public conveyances, the charges to and from in respect of which were borne by the respondent. Voters from Hatti, Belgatti and Haidarnagar were conveyed to Alvandi polling station in carts and public conveyances, the charges to and from in respect of which were borne by the respondent. Voters from Basapur, Hanamamahalli, Kutakanhalli, and Gabbur were conveyed in carts in to Ginigera polling station, the charges to and from in respect of which were borne by the respondent. Voters from Shahapur, Lingadhali and Hire Kasanakandi were conveyed to Allanagar polling station, the charges to and from in respect of which i.e., carts were borne by the respondent. The conveyance of voters in motors and carts hired and/or procured was on the day of the polling so also electors were conveyed from Dammur to Hagedhal polling station and back in carts hired for the purpose. Shri Chidambarao a prominent canvassing agent of the two congress candidates distributed the moneys and defrayed the hire charges. Those who took part in this conveying the voters on behalf of the congress candidates were Shivayya Rudrayya Hiremath, Fakirappa Mandali, Bhimanago Bharmoje a Kammar, Kanakappa Ryavanki Basappa Mandali and a few others. Shivanagouda conveyed the voters of Veerapur to Geddagori polling station and back in carts hired and/or procured. He did so on behalf of the two congress candidates. The motor lorry of Shankaragouda Teggimani of Koppal and another of Nilappa Jantil of Talkal and the tractor with trolley of Sangaraddi of Ghatraddihal, a jeep of the respondent and another of Guru rao desi of Malekop all of whom were canvassing agents for the respondent and Shri Shankaragouda were used to convey electors to and from the various polling stations. Voters from Lakmapur were conveyed in Nilappa Jantil's lorry and from the Bhanapur polling station. Kamalapur voters also were similarly conveyed in the same lorry to and from the same polling station. So, also Talkal voters were conveyed in the same lorry and from the same polling station. Shirur voters were conveyed in the tractor and trolley of Shankareppa Ghatraddihal, to and from the Arakerai polling station. Bedavatti voters were conveyed in the same tractor and trolley to and from the Yadiapur polling station. So also voters from Tippralinal and Gavaral were conveyed in the tractor and trolley to and from the said polling station. Voters of Nalhora were conveyed in the same tractor and trolley and from the Bewur polling station. In this very conveyance Lamani voters of Aliyeppanamath were conveyed to and from the Kuknur polling station. In Shankaragouda Teggimani's motor lorry voters of Bhairanayakanahatti were conveyed to and from Mangalore polling station. In the same lorry voters of Watparvi and Chandinahal were conveyed to and from the Kudarimoti polling station. In the very lorry voters from Kolihal and Mvadaneri were conveyed to and from Hunashval polling station. In this very lorry voters of Makkali Salabnavi, Guttur and Narsapur were conveyed to and from the Murdi polling station. In Shankaragouda's jeep voters of Nittali and Ningapur were conveyed to and from Masab Hanchinak polling station. In Gururao Desai's jeep voters of Mannapur were conveyed to and from Malekop polling station. Similarly voters of Shidenkop were conveyed in the said jeep to and from the Somapur polling station. So also in that very jeep voters of Binnal were conveyed to and from the Chikkankop polling station. Besides motor lorries public conveyances were also used to convey the voters to and from the polling station, all the charges being distributed and defrayed by the Respondent in respect of the hiring and procuring of the vehicles Public conveyances i.e., Tongas were hired and/or procured at Koppal by the respondent and or his agent and or persons acting with his consent and electors were conveyed to and from the polling stations at Koppal for the purpose of voting. At Gedagori polling station in Yelburga Taluka, carts were hired and or proposed by the respondent and his agents and/or persons acting with his consent on the polling day and voters were conveyed to and from the polling stations. A complaint handed in there and then to the Presiding Officer by Shri Somappa Dambal, the election agent or the petitioner. On 8th March 1957, Private motor services plying in the Koppal constituency were hired by the respondent and were made for depart them assigned routes, and electors from waddanal were conveyed to from Handral polling station.

Return of Expenses.—The moneys spent on food and drink offered to the voters have been suppressed. The moneys offered to the voters for purchasing their votes have been suppressed. The expenses increased on the election offices set up at each Taluka place in the constituency have been suppressed. The huge amount of petrol spent on the Dozen or more motors, working in each of the Talukas in the constituency has been suppressed and/or grossly minimised.

The moneys spent on wall posters and mural paintings and pamphlets and the purchasing of the copies of the Tungabhadra and the Netaji and the Swatantra of Hospet have been suppressed and/or grossly minimised. The moneys spent on the hiring of carts, Tongas etc. have been suppressed. The moneys spent on the 4 or 5 Giri Malas have been grossly minimised or suppressed. Pamphlets were got printed in the Manjunath Printing Press at Gangavati, the Sarfodaya Printing Press at Hubli the Ashok Printing Press at Koppal, the Arvind Printing Press at Koppal, the Koppal Printing Press at Koppal, the Haombali brothers Printing Press at Gadag. The last two of these printing presses and the Sarvadaya Press of Hubli have brought out more than one kind of pamphlet. The moneys spent on the processions of bullocks and on the entertainments at Koppal and the fairs of Onkalkunti and Mangalore have been suppressed. The moneys spent on 4 or 5 loud speaker have been suppressed and/or minimised. The travelling expenses have been suppressed and/or grossly minimised. In short almost every item of expenditure shown in the return of expenditure has grossly minimised the actual expenses incurred. The respondent has not kept the accounts as required by the law in this behalf. All the expenses incurred between the 19th and 28th of January 1957, have been suppressed in their entirety. Such items are in respect of petrol spent on item such as travelling to Raichur and back, and propaganda and printing. The expenses incurred on the exhibition of slides at Cinema shows appealing for votes for the respondent have been suppressed.

Assistance from persons in the service of the Government

The assistance of the persons in Government service mentioned in the petition was taken throughout the period available for canvassing i.e., from 5th February 1957 to 10th March 1957, both days inclusive, except the particular dates specifically mentioned in the petition. The particulars and details in this behalf are as follows. Sadashivanagouds, the officiating Patwari of Adur and Mandalgeri went in with Shri Shankaragouda's jeep and canvassed for the two congress candidates. He is a Gumasta Patwari for the Pattedar Tulsi Bai kom Shivarao of Mandalgeri. This fact is duly reported by Shankaragouds the Police Patil of Mandalgeri to the Kuknur P.S.I. his was on 10th February 1957. At the meeting of 8th March 1957, the same Patwari made the welcome and the concluding speeches in which he canvassed for votes for the respondent and Shri Shankaragouda. This meeting was also addressed by Shivashankarrao Desai of Myageri, venkaraddi of Talkal-proprietor of the dramatic company which staged the drama "Dattaputra" at Chikkaonkal. Kunti and Mangalore fairs in the circumstances, and by Dodmeti Andaneppa of Ronaluka. This fact is also duly reported by the said Police Patil Mandalgeri to the P.S.I. at Kuknur on 8th March 1957. Kristappayya Desai of Murdi who is the Pattedar Patwari of Muradi, Hunshyal Tarakatti, Guntur, Mataldinni, Narsapur, Makkali, Mandalmari Hosur and Chikka Allolli took his own car and moved round about and especially in the said 10 villages and canvassing agents. He also went into the constituency with Shri Nijalingappa Chief Minister of Mysore State and canvassed got the respondent and Shri V. Shankaragouda, Gururao Desai of Malekop who is the Pattedar Patwari of Malekop canvassed for the two congress candidates, at Malekop, Yere Hanchinal, Binna, Kakkiahalli, Rajur and other places. The villages named are his Patwari villages. He is the Mali Patil of Kuknur. He did the canvassing using his own jeep and also placed the said jeep at the disposal of the congress candidates for their election work. Kashirao Desai of Batapanahalli is the Pattedar Patwari of Batapanahalli. He was the canvassing agent for the congress candidates and did the canvassing at Batapanahalli and the villages round about. Raghavenarrao Patwari of Bedavatti who is the Pattedar Patwari of Bedavatti, Yadiapur, and Tipparsinhal canvassed for the congress candidates. Ramchandra Deshappande of Rajur collected voters of Chanapanahalli and at his house at Rafur, gave them food and drink i.e., tea and coffee and aerated waters and made the voters vote for the congress candidates. He hired carts on behalf of Shri Shankaragouda and got the voters of Chanapanahalli conveyed to and from the Rajur polling station. Kristarao Desai of Nittali is the Patwari of Masab Hanchinal. He canvassed for the two congress candidates. Every Patwari in the Gangavati, area of the constituency canvassed throughout the available period for the two congress candidates, viz, the respondent and B. V. Desai, including the Patwaris of Kanakgri, Gangavati, Anegundi, Muslapur, Gouripur, Kinhal, Irkalaged Hire-Bammanhal, Venktagiri etc.

I, Shivemurtiswami, son of Shiddappayyaswami of Alavandi the above named petitioner, do hereby on solemn affirmation declare that what is contained in

all the paragraphs of the Scheduled of Particulars is true to the best of my knowledge and information which I have received and verified and that I believe the same to be true, in testimony whereof I do hereunto affix my signature at Dharwar, this day dated 24th April, 1957

(Sd.) SHIVAMURTHISWAMI

[No 82/30

By Order,

DIN DAYAL, Under